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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/803,540	03/09/2001	Donald M. Kosak	10984-535001 / P257	7308
26161	7590	07/15/2004	EXAMINER	
FISH & RICHARDSON PC 225 FRANKLIN ST BOSTON, MA 02110			HUYNH, CONG LAC T	
			ART UNIT	PAPER NUMBER
			2178	

DATE MAILED: 07/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/803,540

Applicant(s)

KOSAK ET AL.

Examiner

Cong-Lac Huynh

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM  
THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 09 March 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-29 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 March 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. This action is responsive to communications: the application filed on 3/9/01.
2. Claims 1-29 are pending in the case. Claims 1, 24 and 29 are independent claims.

#### ***Drawings***

3. Figure 1 is objected to as including items and the reference numbers which do not match the reference numbers disclosed in the specification. In figure 1, the server 16 contains memory 32 storing O/S 36, stack 38, machine-executable instructions 40, and database 42. On the other hand, the specification discloses that the server 16 contains memory 32 storing machine-executable instructions 36, OS 38, protocol stack 40, and database 42 (specification, page 3). Corrections is required for the consistency between the specification and the drawing.

#### ***Specification***

4. The specification is objected to since the acronyms should be spelled out at their first use. For example, the "CRCs" and "MD5s" (page 2, line 15, page 8, line 20) should be explained. Correction is required.

***Claim Objections***

5. Claim 23 is objected to as including the "CRCs" and "MD5s" (line 2) which are not defined or explained in the specification.

***Claim Rejections - 35 USC § 112***

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claims 6, 11, 21-23 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 6, which is dependent on claim 1, it is unclear what Applicants means "a topic of the scanned topic" (line 3).

Also in claim 6, there is insufficient antecedent basis for the limitation "a topic of the scanned topic" (line 3) in the claim since the "*scanned topic*" is not mentioned in claim 1.

Regarding claim 11, which is dependent on claim 1, it is unclear what Applicants want to insert either the iframes or the interior frames within "wherein generating comprises inserting interior frames (iframes)" (lines 1-2) since the interior frames, according to the specification, include l-frames, layers, applets, active-x-controls, plugins, and so forth (specification, page 7, lines 11-13). Therefore, the interior frames can be layers, applets, active-x-controls including iframes.

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Claim 21 recites the limitation "where serving comprises utilizing the profile in real-time each time a component is displayed to a user" in lines 1-2. There is insufficient antecedent basis for this limitation in the claim since the serving step is not disclosed in claim 20 on which claim 21 is dependent.

Claim 22 recites the limitation "where serving comprises:" in line 1. There is insufficient antecedent basis for this limitation in the claim since the serving step is not disclosed in claim 20 on which claim 22 is dependent.

Regarding claim 23, which is dependent on claim 22, the claim states that "wherein checking comprises *comparing expiry information, last modified dates, CRCs or MD5s* (lines 1-2). Since any comparison is involved with two items to compare one to another, providing only a first item to be compared either expiry information, last modified dates, CRCs or MD5s without a second item to be compared with is not enough. The claimed limitation, therefore, is not clear.

### ***Claim Rejections - 35 USC § 102***

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an

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application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

9. Claims 1-5, 7-8, 17-18, 24-28 are rejected under 35 U.S.C. 102(e) as being anticipated by Hosea et al. (US Pat App. Pub. No. 2002/0138331, 9/26/02, filed 2/5/01).

Regarding independent claim 1, Hosea discloses:

- scanning content of a source page expressed in a mark-up language in which a component is to be inserted ([0043], [0046]: *analyzing* the HTML file, which is a mark-up language file, to produce a modified web page where one way to modify the web page is inserting additional content into the HTML file)
- inferring a profile from the scanned content ([0045]: generating the profile of the web page; [0052]: "producing the profile of the Web page" (claim 1), "generating a profile for a web page" (claim 30), "obtaining a profile for a particular Web page" (claim 33), "dynamically generating the profile for the particular web page" (claim 34), the fact that the profile for a web page is produced indicates that the profile is inferred from the content and the format of the web page)
- generating a finished page that includes the content component adapted according to the profile ([0046], [0052]: "... Additional content may also be inserted if desired. For example, certain advertisement or links to articles may be included or excluded ...Content may also be modified so that the font or color or other graphics properties are changed", "producing a modified Web page based on the profile of the Web page and the profile

of the user"; producing a modified Web page *based on the profile of the Web page* where inserting a content to the web page is one way to modify the web page inherently shows that a content component is inserted into the Web page according to the profile of the web page)

Regarding claim 2, which is dependent on claim 1, Hosea discloses that the mark-up language is HyperText Markup Language (HTML) ([0028], [0030]).

Regarding claim 3, which is dependent on claim 1, Hosea discloses that the content comprises contextual material including topical, geographical, temporal and semantic characteristics ([0043]: the content components include text, image, advertisements shows that the content comprises contextual material including topical and semantic characteristics since the image data should be related to the text and the text is classified based on the main topic of the content; [0052]: the fact that the matching Web page content is news or weather information that match the geographical data implies that the content comprises contextual material including geographical characteristics). Further, since the content of the web page includes stock quotes information and weather information that are changed based on time and are inserted in the web page for updating the information, said information has temporal characteristics.



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Regarding claim 4, which is dependent on claim 1, Hosea discloses that the component comprises syndicated services including message boards, chat rooms, file exchanges, link exchanges, E-commerce and auctions (figure 1).

Regarding claim 5, which is dependent on claim 1, Hosea discloses that the component comprises syndicated content including news feeds, weather information, stock information, road maps, pictures, video, audio and text (figure 1).

Regarding claim 7, which is dependent on claim 1, Hosea discloses that the component comprises embedded elements ([0043], [0046]: content such as advertisement or links are embedded elements in the web page).

Regarding claim 8, which is dependent on claim 1, Hosea discloses that the embedded elements comprise in-situ syndicated textual or multimedia material shown within a context of the web page ([0046]: the embedded advertisement or links are graphics or text, which are multimedia material matching the context of the web page).

Regarding claims 17-18, which are dependent on claims 7 and 17 respectively, Hosea discloses that the embedded elements comprise standalone elements comprising multimedia material shown within its own context in a browser window, dialog window and pop-up window (figure 2: image and text included in

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the browser window, and when a user enters data in the dialog box, the text which is a multimedia material, is shown in the dialog part; figure 4: text, which is a multimedia material, is included in the pop-up windows "Narrow Column" and "Wide Column").

Claims 24-28 are for a computer program of method claims 1-5, and are rejected under the same rationale.

***Claim Rejections - 35 USC § 103***

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

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12. Claims 6, 19-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hosea et al. (US Pat App. Pub. No. 2002/0138331, 9/26/02, filed 2/5/01).

Regarding claim 6, which is dependent on claim 1, Hosea does not disclose explicitly that the profile comprises a format of the scanned content and a topic of the scanned topic. However, Hosea does disclose that the HTML file of the web page includes content components and formatting components ([0043]).

It would have been obvious to an ordinary skill in the art at the time of the invention was made to incorporate a profile with the format of the scanned content and a topic of the scanned topic into Hosea for the following reason. The fact that the *web page includes content components and formatting components* suggests that *the profile of the web page, which contains the information data of the web page*, should comprise a format of the web page, and a topic of the analyzed HTML file, derived from the content of the web page).

Regarding claim 19, which is dependent on claim 1, Hosea discloses scanning comprises:

- analyzing a site format of the content ([0043]: "An HTML file is formed of constituent components that include content components and formatting components, i.e., the HTML "mark-up." The content components ... An HTML file profiler parses each HTML file to *extract the constituent components*, and analyzes and assigns ratings to the content

components.”; the fact that the HTML file profiler parses each HTML file to extract the constituent components which include the content components and the formatting components suggests that the format of the content of the HTML file is analyzed before being extracted

- analyzing a site content of the content ([0043]: “An HTML file is formed of constituent components that include content components and formatting components, i.e., the HTML “mark-up.” The content components ... An HTML file profiler parses each HTML file to extract the constituent components, and analyzes and assigns ratings to the content components.”)

Hosea does not explicitly disclose saving the site format and the site content as the profile. However, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to have modified Hosea to incorporate the saving step into Hosea since it was well known that the content and the format of the web page when created must be saved as the information of the web page for later use such as uploading or modifying where said information is equivalent to the data of the profile of the web page.

Regarding claim 20, which is dependent on claim 19, Hosea discloses that the profile is utilized as a filter ([0013]: “a proxy server ..., and filters the content of the web page based on the user profile and the Web page profile ...” shows that the web page profile is *utilized as a filter* for filtering the content of the web page).

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Regarding claim 21, which is dependent on claim 20, Hosea discloses utilizing the profile in real-time each time a component is displayed to a user ([0013], [0018] and figure 3: the fact that the user request is monitored by a proxy server and the content of the requested web page is filtered based on the user profile and the web page profile before delivering the page to the user shows that the web page profile is utilized as a filter for filtering the web page content upon a user request in the real-time by selecting the types of the content of the web page).

13. Claims 9-11, 13-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hosea as applied to claim 1 above, and further in view of Massena et al. (US Pat No. 6,625,803 B1, 9/23/03, filed 2/8/00, priority 10/28/97).

Regarding claims 9, 13-16, which are dependent on claim 1, Hosea does not disclose that generating comprises inserting script, applets, active-x, plugins, and Java code.

Massena discloses the insertion of script, applets, active-x, plugins, and Java code for generating a modified web page (abstract, col 1, line 59 to col 2, line 64; col 7, lines 53-65).

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to have combined Massena into Hosea since Massena provides the capabilities to modify a web page by inserting a web component

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such as scripts, applets, active-x, plugins, and Java code providing the advantage to incorporate such features into Hosea for expanding the modification of web pages with various types of web components to be inserted into a web page instead of merely inserting advertisements or links as in Hosea.

Regarding claims 10-11, which are dependent on claim 1, Hosea does not disclose that generating comprises inserting frames and interior frames.

Massena discloses inserting applets, active-x-controls, and plugins into a web page for producing a modified web page (abstract, col 1, line 59 to col 2, line 64; col 7, lines 53-65).

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to have combined Massena into Hosea since Massena inserting applets, active-x-controls, and plugins, which are interior frames, into a web page for producing a modified web page providing the advantage to incorporate into Hosea for expanding the contents to be inserted into a web page instead of merely text and graphics for modifying the web page.

14. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hosea as applied to claim 1 above, and further in view of Muthuswamy et al. (US Pat No. 6,606,525 B1, 8/12/03, filed 12/27/99).

Regarding claim 12, which is dependent on claim 1, Hosea does not disclose inserting layers.

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Muthuswamy discloses inserting layers into a web page for updating the web page with dynamic data such as stock data (col 2, lines 29-67).

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to have combined Muthuswamy into Hosea since

Muthuswamy has the layer features for including the dynamic data to a web page providing the advantage to incorporate into Hosea to include the dynamic data to a web page to make the page live and more attractive instead of merely inserting static data as in Hosea.

15. Claims 22-23, 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hosea as applied to claim 20 above, and further in view of Freedman et al. (US Pat Pub. No. 2002/0083123 A1, 6/27/02, filed 12/27/02).

Regarding claim 22, which is dependent on claim 20, Hosea does not disclose checking the web page for updates and updating the profile in response to checking.

Freedman discloses periodically checking the web page for meta tags that contain information about the resource link device record, if these meta tags are updated, the source link device record is automatically updated with the new information ([0080]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to have combined Freedman into Hosea since Freedman has the capability of checking the updating of the web page via

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updating the meta tags that contain information about the resource link device record and updating the resource link device record when the meta tags are updated. Since the resource link device record is the data particular to the web page, the resource link device record is considered as the profile data of the web page. Therefore, updating the resource link device record suggests updating the profile of the web page.

Regarding claim 23, which is dependent on claim 22, Hosea does not disclose comparing expiry information, last modified dates, CRCs or MD5s.

Freedman discloses comparing the expiry information when the expiration date is assigned to the resource link device, checking the remaining resource link device counter for being decremented for generating billing information ([0084]).

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to have combined Freedman into Hosea since Freedman discloses comparing the expiration date assigned to the resource link device with the remaining resource link device counter to see if there is a correspondence between them thus motivating to incorporate into Hosea for comparing the expiry information of the web content inserted into a web page.

Claim 29 is for an apparatus for method claims 1 and 22, and is rejected under the same rationale.



**Conclusion**

16. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Meske, Jr. et al. (US Pat No. 5,530,852, 6/25/96, filed 12/20/94).

Light (US Pat No. 5,778,363, 7/7/98, filed 12/30/96).

Mathieu et al. (US Pat No. 6,009,441, 12/28/99, filed 9/3/96).

Wical (US Pat No. 5,930,788, 7/27/99, filed 7/17/97).

Giangarra et al. (US Pat No. 6,101,472, 8/8/00, filed 4/16/97).

England (US Pat No. 6,144,991, 11/7/00, filed 2/19/98).

LaMacra et al. (US Pat No. 6,279,013 B1, 8/21/01, filed 7/20/98).

Cook et al. (US Pat No. 6,178,432 B1, 1/23/01, filed 9/30/96).

Heninger et al. (US Pat No. 6,470,349 B1, 10/22/02, filed 3/11/99).

Light (US Pat No. 6,389,412 B1, 5/14/02, filed 12/31/98).

Friesen (US Pat No. 6,636,863 B1, 10/21/03, filed 9/13/00).

Lent et al. (US Pat No. 6,718,313 B1, 4/6/04, filed 6/15/00).

Makuch et al. (US Pat No. 6,330,592 B1, 12/11/01, filed 12/5/98).

Kent, III et al. (US Pat App. Pub. No. 2002/0107894 A1, 8/8/02, filed 12/4/00).

Bendik (US Pat App. Pub. No. 2002/0002563 A1, 1/3/02, filed 8/23/99).

Matsuoka et al. (US Pat App. Pub. No. 2002/0010753 A1, 1/24/02, filed 12/18/00).

Kurganov (US Pat App. Pub. No. 2001/0054085 A1, 12/20/01, filed 2/6/01, priority 2/4/00).

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Gao et al. (US Pat App. Pub. No. 2002/0032701 A1, 3/14/02, filed 7/30/01, priority 9/11/00).


Bier (US Pat App. Pub. No. 2002/0073125 A1, 6/13/02, filed 12/8/00).

Schrefl et al., Self-Maintaining Web Pages – An Overview, IEEE 2001, pages 83-90.

17. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cong-Lac Huynh whose telephone number is 703-305-0432. The examiner can normally be reached on Mon-Fri (8:30-6:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather Herndon can be reached on 703-308-5186. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Cong-Lac Huynh  
Examiner  
Art Unit 2178  
7/10/04